

Notice of Allowability	Application No.	Applicant(s)
	10/098,605	PARMATER, KIM
	Examiner L Amerson	Art Unit 3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 5/23/05.
2. The allowed claim(s) is/are 1, 5, 7-10.
3. The drawings filed on 01 November 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 08/03/05.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other Attachment A.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Heather Barnes on August 3, 2005.

The application has been amended as follows:

See attachment A

2. The following is an examiner's statement of reasons for allowance: although the prior art of Endelman shows a device having a frame with a longitudinal portion having hooks and a carriage adapted for linear motion, a head portion, springs and a bar, Lee, Michaels, Lancellotti and Clymer show a device having a flexible portion on a bar, and Clausen and Mankovitz show a device having a plurality of cords suspended between a base and a frame, the prior art of record fails to teach or suggest, singularly or an obvious combination of a device having a base adapted for linear motion and supported by a substantially longitudinal portion of a frame; the base further including a handle and a plurality of hooks; a pair of moveable locks engageable by articulating a lock tab, each of the locks comprised of a first portion releasably secured to a second portion, the first portion mounted to the frame and the second portion adapted to receive the bar whereby when released, the bar is adapted to rotate in an infinite number of

angular orientations relative to the frame; the bar having a free end, a flexible portion and a handle operatively connected to said frame; and a head portion being pivotally mounted to the frame and including a spring releasably coupled to the frame thereby, when engaged the spring allows resistance to movement of the head portion, wherein said longitudinal portion of said frame and said base adapted for linear motion are in combination comprised of a male and a female tube that telescope relative to one another; the head frame is mounted to the spring and a plurality of cords are suspended between the base and the frame to resist movement as recited in claim 1.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lamerson
LA



GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Attachment A– 10/098,605

1. (Currently Amended) An exercise device comprising:
a frame including a substantially longitudinal portion and a plurality of hooks;
a base adapted for linear motion and supported by said substantially longitudinal portion
of said frame; said base further including a handle and a plurality of hooks;
a pair of moveable locks engageable by articulating a lock tab, each of said locks is
comprised of a first portion releasably secured to a second portion, the first portion
mounted to said frame and said second portion adapted to receive a bar whereby when
released, the bar is adapted to rotate in an infinite number of angular orientations relative
to the frame; said bar having a free end, a flexible portion and a handle operatively
connected to said
frame; and a head portion comprising a head frame mounted to a head support, said head
portion being pivotally mounted to said frame and including a spring releasably coupled
to said frame thereby, when engaged said spring allows resistance to movement of said
head portion, wherein said longitudinal portion of said frame and said base adapted for
linear motion are in combination comprised of a male and a female tube that telescope
relative to one another; said head frame is mounted to said spring; a plurality of cords
suspended between said base and said frame.

2. Cancel

3. Cancel

4. Cancel

5. (amended) The exercise device as in claim 1, wherein said flexible portion is
comprised of a pair of coil springs that are mounted between said free end and said
handle.

6. Cancel

7. (Original) The exercise device as in claim 5, wherein said spring is comprised of a
torsion spring.

8. (Original) The exercise device as in claim 1, wherein said spring is releasably coupled
to said frame by way of a locking pin and a spring ear.

9. (Original) The exercise device as in claim 8, wherein said locking pin is movably
mounted to said frame and said spring ear is mounted to said spring.

10. (Original) The exercise device as in claim 1, wherein said base includes at least one
wheel adapted for movement on a supportive surface.

11-20. Cancel